

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
Plaintiff,) 8:11CR417
vs.)
DAVID D. JOHNSON,) ORDER
Defendant.)

This matter is before the Court on the motion of defendant David D. Johnson (Johnson) to extend time to file pretrial motions ([Filing No. 16](#)). The motion does not comply with NECrimR 12.3 (a) and paragraph 9 of the Progression Order ([Filing No. 10](#)) in that the motion is not accompanied by the defendant's affidavit or declaration stating that defendant:

- (1) Has been advised by counsel of the reasons for seeking an extension;
- (2) Understands that the time sought by the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.; and
- (3) With this understanding and knowledge, agrees to the filing of the motion.

Accordingly, the motion ([Filing No. 16](#)) is :

(X) Held in abeyance pending compliance with NECrimR 12.3(a) and Paragraph 9 of the Progression Order. Absent compliance **on or before January 25, 2012**, the motion will be deemed withdrawn and termed on the docket.

() Denied.

IT IS SO ORDERED.

DATED this 19th day of January, 2012.

BY THE COURT:

Thomas D. Thalken
United States Magistrate Judge